IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1476 OF 2006
IN
SUIT NO.1255 OF 2006

Shri M.Ramakrishna @ Isak Josna ....Plaintiff
V/s.
Shri Nitin Kumar D. Rane & Anr. ....Defendants

Ms.I.M. Koparkar with Mr.M.H. Havnur for the Plaintiff.
Mr.U.R. Pathak for Defendant Nos.1 and 2.

CORAM : S.J. VAZIFDAR, J.
DATED : 13TH SEPTEMBER, 2006.

P.C. :

1. The suit is filed for a declaration that the Plaintiff should be put in possession of the suit vehicle in respect of which the parties had entered into a hire purchase agreement. By this Notice of Motion, the Plaintiff seeks the possession of the said vehicle. The Defendants' case is that the Plaintiff had committed several breaches of the said agreement.

2. These disputes will have to be decided at the final hearing of the suit. To grant orders sought in the Notice of Motion would tantamount to granting specific performance. It is difficult to grant specific performance of an agreement of this nature.

3. The Notice of Motion is accordingly

dismissed.